

EVANGELO ARVANETES
Assistant Federal Defender
Federal Defenders of Montana
Great Falls Office
104 2nd Street South, Suite 301
Great Falls, Montana 59401
vann_arvanetes@fd.org
Phone: (406) 727-5328
Fax: (406) 727-4329
Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAYCOB TYLER KUTZERA,

Defendant.

Case No. CR-17-48-GF-BMM

**MEMORANDUM IN SUPPORT OF
UNOPPOSED MOTION FOR
POSTPONEMENT OF TRIAL AND
EXTENSION OF ALL
DEADLINES**

COMES NOW, Defendant, Jaycob Tyler Kutzera, by and through his Counsel Evangelo Arvanetes, Assistant Federal Defender, and the Federal Defenders of Montana, and respectfully presents this Memorandum in support of his Motion to Continue Trial and Extension of All Deadlines.

I. Legal Analysis

The continuance should be granted under the factors set forth in *Armant v.*

Marquez, supra, 772 F.2d at 557: diligence, usefulness, inconvenience, and prejudice.

A. Diligence

Mr. Kutzera is charged with 36 counts of sexual exploitation of a child in violation of 18 U.S.C. § 2251(a). (Doc. 2).

The Counts carry a statutory penalty of a mandatory minimum sentence of fifteen (15) years imprisonment (potential sentence of 540 years), up to a \$250,000 fine, and five (5) years to a life term of supervised release.

On behalf of Mr. Kutzera, the undersigned is requesting additional time in order to prepare for jury trial – i.e., possibly utilizing the services of an expert, review discovery, and continue to discuss the case with Mr. Kutzera.

B. Usefulness

The continuance will be mutually beneficial for both parties – for Mr. Kutzera, a continuance will allow him, and the undersigned/undersigned's team additional time to properly prepare for jury trial; for the Government, it will allow time for its own trial preparation.

C. Inconvenience

Counsel recognizes that a postponement of trial may be inconvenient to the Court. Yet, in light of the undersigned's responsibility to be fully prepared for trial, in the interest of justice, and based upon the nature of this case (sexual exploitation

fo a minor), additional time will ensure that the ends of justice are served.

D. Prejudice

The undersigned on behalf of Mr. Kutzera submits that the better course is to grant the continuance as the Government has no objection to it.

II. Conclusion

WHEREFORE, the undersigned, on behalf of Mr. Kutzera who is on pre-trial release status, respectfully requests that the Court grant the Motion, extend all deadlines, and reschedule a jury trial at least 80 days from the current trial setting of December 4, 2017.¹

RESPECTFULLY SUBMITTED this 30th day of October, 2017.

/s/ Evangelo Arvanetes

¹As stated in the Motion to Continue Trial, the undersigned currently has a trial set for February 5, 2018, in the case of *United States v. Nash*, which will take approximately four (4) days to complete.

CERTIFICATE OF COMPLIANCE

I hereby certify that this Memorandum in Support of Unopposed Motion for Postponement of Trial is in compliance with Local Rule 7.1(d)(2)(as amended). The brief's line spacing is double spaced, and is proportionately spaced, with a 14 point font size and contains less than 6,500 words. (Total number of words: 374, excluding tables and certificates).

DATED this 30th day of October, 2017.

/s/ Evangelo Arvanetes

**CERTIFICATE OF SERVICE
L.R. 5.2(b)**

I hereby certify that on October 30, 2017, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM-ECF
 Hand Delivery
3 Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. CYNDEE L. PETERSON
Assistant United States Attorney
United States Attorney's Office
Counsel for the United States of America
3. JAYCOB TYLER KUTZERA
Defendant

/s/ Evangelo Arvanetes